



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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Chief Executive Officer

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August 10, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

REQUEST BY SUPERVISOR KNABE FOR THE CHIEF EXECUTIVE OFFICE TO EXAMINE AB 828 (SWANSON) AND REPORT BACK TO THE BOARD (RELATED TO PUBLIC COMMENT, MEETING OF JULY 31, 2012)

This memorandum responds to a request by Supervisor Knabe during the public comment portion of the July 31, 2012 Board meeting for the Chief Executive Office to examine AB 828 (Swanson), which relates to the eligibility of CalFresh benefits and individuals convicted of drug-related felonies, and to report back to the Board.

Analysis of AB 828

AB 828 (Swanson), as amended on June 13, 2012, would allow an individual convicted of any drug-related felony to be eligible to receive Federal CalFresh benefits if certain conditions described below are met. Specifically, this bill would amend State law to opt out of the current Federal ban which prohibits individuals convicted of drug felonies from receiving these benefits. Under AB 828; no individual convicted of a drug felony (including distribution and sales crimes) would be automatically deemed ineligible for CalFresh benefits without condition.

This measure would require, as a condition of eligibility to receive CalFresh benefits, an applicant convicted of a felony drug offense to provide proof of one of the following:

- Completion of a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;

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- Participation in a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;
- Enrollment in a government-recognized drug treatment program, subsequent to the most recent drug-related conviction;
- Placement on a waiting list for a government-recognized drug treatment program, subsequent to the most recent drug-related conviction; or
- Other evidence that all illegal use, possession, or distribution of controlled substances has ceased, as established by regulations of the California Department of Social Services.

Federal law prohibits individuals who have been convicted of drug felonies from receiving benefits under the Federal Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program and known as CalFresh in California, but allows a State to opt out partially, or entirely, from the provisions of the automatic aid disqualification of a convicted felon.

Existing State law opts out of the Federal prohibition against SNAP eligibility, in part, for persons convicted of a drug felony unrelated to distribution or sales (primarily possession and use convictions) who can prove completion, enrollment in, or placement on a waiting list for a government-recognized drug treatment program, or provide other evidence that illegal use of controlled substances has ceased. Current State law retains the Federal prohibition against eligibility for CalFresh benefits for persons convicted of a felony involving trafficking.

According to the Department of Public Social Services (DPSS), AB 828 would simplify the process for this population to receive CalFresh benefits. DPSS indicates that additional administration costs could be negligible if AB 828 is enacted. The Department expects no additional Net County Cost for CalFresh administration, because CalFresh benefits are 100 percent Federally funded, and the California Food Assistance Program, which is part of the CalFresh Program, is 100 percent State funded.

The Department of Public Social Services and this office support AB 828. Therefore, consistent with Board policy to support a statewide safety net for families in which a member may be disqualified from receiving TANF benefits due to drug-related convictions, if that family member has successfully completed a qualified drug rehabilitation program and remains drug free, **unless otherwise instructed by the Board, the Sacramento advocates will support AB 828.**

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AB 828 is sponsored by the Western Center on Law and Poverty and the Women's Policy Institute, and is supported by the County Welfare Directors Association of California, California Association of Food Banks, California Public Defenders Association, Alameda County Board of Supervisors, City and County of San Francisco, among others. The measure is opposed by the California District Attorneys Association and the California Narcotic Officers' Association.

AB 828 is identical to AB 1756 (Swanson) of 2010 and similar to AB 1198 (Swanson) of 2009, which were held on the Senate Appropriations Committee's Suspense File, among other previous measures.

AB 828 is currently on the Senate Appropriations Committee's Suspense File which will be considered on August 16, 2012.

We will continue to keep you advised.

WTF:RA
MR:OR:ma

c: Executive Office, Board of Supervisors
County Counsel